

Full Planning Application 05/00196/FUL
at
Kinleith Industrial Estate
(Kinleith Mill)
Currie
EH14 6AA

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 05/00196/FUL, submitted by Kinleith Development Company Ltd. The application is for: **Pedestrian access/cycle path/bridleway linking Blinkbonny Road and the Water of Leith Walkway.**

It is recommended that this application be **REFUSED**

2 The Site and the Proposal

Site description

The application site is located to the south of the Water of Leith Walkway, on the opposite side of which is land within the applicant's control where planning permission has been granted for residential development. To the south of the application site is Blinkbonny Road, on the opposite side of which is open countryside.

The site is bounded to the west by a footpath that connects Blinkbonny Road with the Water of Leith Walkway. Currie Conservation Area lies to the west of this footpath. To the south east of the site are the rear gardens of residential properties that front onto Blinkbonny Road. The remainder of land to the east is woodland through which passes another footpath connecting Blinkbonny Road with the Walkway that has no steps on it and is used by horse riders.

The southern part of the site adjacent to Blinkbonny Road is generally flat. It then slopes down towards the Walkway, but the embankment's gradient is not smooth. It is particularly steep on either side of a former pond that is located in the centre of the site.

The site had been used for the storage of water, but the tanks and pond have been filled and there is little evidence of their existence, save for the manner in which the bank undulates. The southern part of the site adjacent to Blinkbonny Road is scrub, whilst on the slopes and the land adjacent to the Walkway are trees and woodland ground cover. This latter area is designated as Other Woods on 'Roy' Woodland Sites by the Inventory of Ancient, Long Established and Semi Natural Woodland. The application site and area to the east is covered by a Tree Preservation Order (TPO No.1 2001), which took effect on 8 June 2001.

Site history

(00/00987/OUT)

An outline planning application was submitted on 29 March 2000 to rehabilitate derelict industrial land forming part of the former Kinleith Paper Mill and redevelop it for residential, leisure and amenity open space. The applicant appealed against non-determination of the application (SEIRU appeal ref. P/PPA/230/284). The Development Quality Sub-Committee considered the proposal on 24 January 2001 and expressed the view that it would have been minded to refuse planning permission had the proposal come before it for determination. The appeal was withdrawn by the applicant in February 2002.

Description of the Proposal

It is proposed to construct a footpath, cycle path and bridleway that would link Blinkbonny Road with the Water of Leith Walkway. The surface of the access route would be whinstone dust/ash, with grasscrete on either side, whose total width would be five metres. On either side of the route would be timber fencing.

The route would be positioned approximately 30m to the west of 40 Blinkbonny Road. It would cross the level southern part of the site and then bend eastwards and run to the rear of the gardens on this section of Blinkbonny Road. The proposed route would need to cut into the existing landscape before it turned westwards to traverse the northern part of the site. The route would merge with the existing footpath in the north west corner of the site.

The applicant states that the proposal provides the only disabled access to the Water of Leith Walkway in a 5km stretch.

It is also stated that the proposed access would provide a route for maintenance for the proposed residential development site on the opposite side of the Water of Leith Walkway. During planned periods of maintenance to the vehicular access bridge to the east of the residential site, the proposed route would provide an alternative access. The applicant states that this is unlikely to be necessary any more than once every twenty five years.

A Supporting Statement has been submitted with the application. It addresses the planning policies and other material considerations that affect the site, photographs of the site, literature regarding the national cycle network and public rights of way, a landscape appraisal of the site undertaken by EDAW plc, literature regarding grasscrete, and an aerial photograph of the site taken in 1973.

A Tree Survey of the site undertaken by Donald Rodger in April 2001 has also been submitted. It identified those trees on the site that, at the time of survey, required remedial arboricultural works for reasons of tree health and public safety.

Both of the reports are available in the Group Rooms.

At the request of the Council's Transport Section, a drawing (no. CBP/61773/1/017 rev. A) has been prepared by Colin Buchanan and submitted on 10 March 2005, which includes details of the carriageway widening at the bends with a verge for barrier provision, in addition to a swept path for hydraulic inspection platform.

A model of the proposal has been prepared and an additional Supporting Statement was received on 8 June 2005. It addresses green belt policy, visual aspects of the proposal, details of the crossing of the Water of Leith Walkway, and the management of woodland.

All additional material that has been submitted since the application was registered is also available in the Group Rooms.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are;

- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address the determining issues, the Committee needs to take account of the following specific considerations:

- a. Whether the proposal is appropriate in this location.
 - b. Whether the proposal has an acceptable impact on the landscape and nature conservation interests of the site.
 - c. Whether the proposal would adversely affect residential amenity or road safety
- a. The Currie Balerno Local Plan, which was adopted in 1983, proposed that the application site be used as open space. At that time, the site was included within the settlement boundary of Currie.

The Finalised Rural West Local Plan (FRWLP) proposes to include the application site within the Green Belt. Such a designation was considered at the Local Plan Inquiry held earlier this year. The change in designation reflects the fact that whilst the land may have been historically linked to the industrial development on the north side of what is now the Water of Leith Walkway, the site is presently wooded and rural in character.

The proposal is for a pedestrian access/ cycle path/ bridleway that would link Blinkbonny Road to the Water of Leith Walkway. It could be argued that such a proposal is an acceptable green belt use on the basis of this description. The proposed development could potentially be used for recreation and, therefore, could be considered to conform to Policies ENV2(B) of the Edinburgh and the Lothians Structure Plan (ELSP) and E5 of the FRWELP. These policies presume against development unless necessary for the purposes of agriculture, forestry, countryside recreation or other uses appropriate to the rural character of the area.

However, the proposal is intended to form a second road access to the proposed residential development site to the north of the Walkway. The use of the route would allow vehicles to enter and leave the housing site in periods when the use of the existing bridge to the north east of the site was unavailable.

The use of the route by emergency service vehicles dictates its alignment and physical appearance. The layout drawing indicates the site's contours and the swept paths of large vehicles. Given the undulating nature of the topography, significant engineering works would be necessary. The embankments would need to be benched to ensure their stability. Originally, the route was to have been five metres wide along its entire length. The General layout drawing and the model of the proposal illustrate that the carriageway would need to be widened at the route's bends and verges would also be required to accommodate safety barriers.

The width of the route is dictated by the landform and the need to accommodate emergency vehicles, such as fire tenders. The route would cut through the site in an intrusive manner and take up a significant proportion of the site's land area.

The proposed route is not required for the purposes of countryside recreation. A right of way connecting Blinkbonny Road with the Walkway is in existence along the western boundary of the site. In addition, an informal footpath, which runs from the east of number 32 Blinkbonny Road to the Walkway, crosses the north east corner of the site.

The necessity for an additional route connecting Blinkbonny Road has not been established, save for the need to provide the proposed residential development with an alternative emergency access. The proposal is, therefore, contrary to Policy ENV 2(B) of the ELSP and Policy E5 of the FRWELP. It would also fail to meet the design and amenity criteria for development in the green belt and countryside as set out in Policy E6 of the FRWELP, in particular the landscape setting of the site.

b. The application site has a rural woodland character with a small area of grassland/ scrub immediately adjacent to Blinkbonny Road. The wooded slopes on the site form an important part of the landscape setting of the Water of Leith Valley.

A TPO covers the whole of the application site. The Order was made because this area of trees has considerable value as a public amenity resource and makes a large contribution to the rural character and landscape quality of the Water of Leith Valley. Whilst the applicant maintains that only one tree would require felling as a result of the proposal, the engineering works and alignment of the route would have a significant impact on the existing vegetation and the wider visual amenity of the area. The impact of the development on the protected group of trees and woodland would be contrary to Policy E16 of the FRWELP.

The FRWELP recognises the site's importance for nature conservation and includes it within the Water of Leith SINC, which is a continuous wildlife corridor that forms part of the wider ecological network consisting of the river and its tributaries. It has not been demonstrated that the potential disturbance to the SINC would be mitigated by replacement tree and scrub planting proposals that could enhance the site's current ecological value. The proposal would, therefore, represent an unacceptable impact on the landscape and wildlife value of the Water of Leith Valley. The nature conservation interests of the site are neither being enhanced nor safeguarded and, consequently, the proposal is contrary to Policy E18 of the FRWELP.

c. The proposal would have little impact on the amenity of nearby housing and is satisfactory in terms of road safety.

In conclusion, the proposal is unacceptable in this location of proposed green belt and protected woodland in the Water of Leith Valley, and would have a

detrimental impact on an area of protected trees and an area of woodland that has natural heritage value and contributes to the character and amenity of the area. There are no other material considerations that would merit a departure from this stance.

It is recommend that the Committee refuses this application for reasons relating to development plan designations, landscape and natural heritage.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Suzanne Walker- Monday To Thursday 9.30-16.00 Only on 529 3903
Ward affected	02 - Baberton
Local Plan	Currie Balerno
Statutory Development Plan Provision	Open Space
Date registered	1 February 2005
Drawing numbers/ Scheme	01 - 03

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type

Application Address:

Proposal:

Reference No: 05/00196/FUL

Consultations, Representations and Planning Policy

Consultations

Transport

No objections to the application subject to the following condition being applied.

This application will be subject to a Road Construction Consent application.

Due to the construction techniques required to attain loading the restraining barriers will be a permanent feature.

Scottish Natural Heritage

No objection subject to conditions on the following issues

Path/Cycleway/Bridleway

It is noticed that the path is to be surfaced with whinstone and grasscrete. Whinstone is not ideal for horses as it can be damaged relatively easily. It should therefore be ensured that the whinstone surface is well compacted, to help minimise damage. Further information on suitable surfaces for horses can be gained from the British Horse Society, who have factsheets on equestrian access issues. In addition, grasscrete can be slippery to pedestrians when wet, so again, is not ideal. However it is noted that the route is to serve as an emergency access route as well.

Although not specifically mentioned, it should be ensured that the path is designed for disabled access as well as pedestrians, cyclists and horse-riders.

We cannot fully comment on the adequacy of the path design for multi-user access as no specific information is provided on path widths and gradients. Conditions should therefore be set by the Council to ensure that path construction follows the standards set out in the 'Lowland Path Construction A Guide to Good Practice' Published by Scottish Natural Heritage, Scottish Enterprise and The Paths for All Partnership 2001, and 'BT Countryside for All, Standards and Guidelines: A Good Practice Guide to Disabled People's Access in the Countryside'.

Maintenance of this path will be important and the Council should set a condition to ensure that provision is made for the long-term maintenance of the route.

Woodland

The woodland is classed as Long-established woodland of plantation origin, as classed in the Inventory of Ancient, Long-established & Semi-natural Woodland (Nature Conservancy Council 1991). It is also designated a SINC in the Rural West Edinburgh Local Plan (final draft), with policies seeking to protect the SINC from development. It should therefore be ensured that measures are in place to protect the woodland during path construction. This should include minimising tree and vegetation removal, with measures to enhance where possible, such as re-planting of trees and shrubs. This will also help to minimise landscape impact of the proposals. We would recommend production of a woodland management plan as discussed in the Landscape Appraisal.

Archaeology

The site forms part of the former Kinleith Mills, first recorded in a transfer of ownership document between William Marriett and John Finlayson in 1618. The mill continued in use throughout the 17th and 18th centuries, turning to paper production in 1792. The mill continued to manufacture paper until its closure and demolition in the late 20th century. The northern side of the site is also formed by the embankment of former Balerno Branch Railway opened in 1874 and closed in the mid 1960's.

The 1855 1st Edition OS map shows the site as containing a group of three large rectangular mill ponds, of unknown date, which run in a line from the Kinleith Burn towards the mill buildings. The north-eastern pair of these ponds were built-over in 1879 to form a single curling pond. Prior to the construction of the curling pond an unknown number of stone short cists (NT16 NE 3) dating to the Bronze Age were recorded were uncovered during the excavation of mill ponds on the site in 1862. Further Bronze Age artefacts and remains have been discovered at Kinleith Mills during the 19th century, with a Late-Bronze age razor (NMRS ref: NT16 NE 2) and animal bones (ox and dog) discovered during the excavation of the foundations for a large chimney.

The site is therefore regarded as occurring within an area of significant archaeological potential and should be considered under National Planning Policy Guidance 5: Planning and Archaeology (NPPG 5) and the accompanying Planning Advice Note 42 (PAN 42), both issued by the Secretary of State for Scotland in 1994. The aim should be to preserve archaeological deposits in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The site is associated with both Industrial and Bronze Age activity and any archaeological remains that may survive in situ could provide important information regarding the origins and development of the milling complex and Kinleith and also for prehistoric burial and ritual practices. However in my opinion the impact of the

proposed development would not be sufficient to justify refusal of consent on archaeological grounds. However, it is essential that a suitable programme of archaeological works should be carried out at the site by a professional archaeologist to record any remains uncovered during any ground breaking operations.

It is recommended therefore that this programme of works is secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on this site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, working either to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the excavations and for the archiving and appropriate level of publication of the results lies with the applicant.

Edinburgh and Lothians Badger Group

There are no known badger setts on this area of land but it is regularly visited by badgers, obvious badger paths cross it and provides foraging for them.

This proposed access route will diminish the area of land available for wildlife including badgers and maximise disturbance to it by cutting a 5 metre wide swathe (which sounds more like a road than a path) right through the middle of what is currently a little disturbed Site of Interest for Nature Conservation. This SINC will be of increasing significance as a haven for wildlife once the extensive new housing development is under construction.

The existing path passes along the edge of the area and, being more informal, has a minimal impact on it; if it is thought necessary to upgrade access between Blinkbonny and the Water of Leith this route would be more sympathetic to wildlife by retaining a larger secluded area of value to both badgers and people.

To improve both appearance and badger foraging value, the current mosaic of habitats could be enhanced by suitable planting and the ugly fencing installed by the developer replaced by a mixed species hedge giving open access and yet privacy to badgers and extra shelter and food for birds.

Representations

The application was advertised as a potential departure from the development plan on 11 February 2005.

Letters of objection have been received from Currie Community Council, the Water of Leith Conservation Trust, Cycle Touring Club Scotland, and two local residents. The material concerns raised relate to:

- No justification for additional pedestrian link.
- Cyclists and horse riders can use Blinkbonny Road.
- Potential non-emergency use of proposed road.
- Route for emergency access to residential site already agreed.
- Inaccurate description of proposed development.
- No indication how emergency access would connect to the residential site.
- SINC designation precludes development.
- Loss of mature trees.
- Premature in view of Green Belt designation in FRWELP.
- Increase in traffic through Blinkbonny.

The additional material that was submitted by the applicant attracted two further letters from Currie Community Council. The material concerns raised relate to:

- Engineering works required would destroy existing landscape.
- Inability to hide the extensive retaining structures.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The Currie Balerno Local Plan identifies the application site for open space. The Finalised Rural West Local Plan locates the site within the Green Belt. It is also a Site of Interest for Nature Conservation and covered by a Tree Preservation Order.

Relevant Policies:

Edinburgh and the Lothian's Structure Plan 2015

Policy ENV2 presumes against development in the Green Belt unless necessary for the purpose of agriculture, forestry, countryside recreation or other uses appropriate to the rural character of the area

Currie Balerno Local Plan

Policy 2.49 states that there will be a presumption against any development on existing public open space and on private open space which serves a recreational purpose or enhances local amenities.

Policy 2.50 states that the landscape importance and recreational potential of the Water of Leith and Bavelaw Burn Valleys is recognised and the Council will seek to extend walkways, improve the landscape and reclaim disused and derelict land within the valleys as the opportunities arise.

Policy 2.52 states that the Council will seek to increase the amount of open space available for recreation in Currie and will safeguard land at Muirwood Road and the disused land at Blinkbonny Mill Ponds and Currie Station South for such a purpose. Sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

Finalised Rural West Edinburgh Local Plan

Policy E5 restricts development in Green Belt and Countryside policy areas to protect their landscape qualities, rural character and amenity.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or Countryside must meet high standards of design and landscaping and meet criteria to safeguard local amenity.

Policy E15 seeks to ensure the survival and retention of healthy mature trees. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

Policy E16 promotes the protection of significant individual trees, tree groups and shelter belts through Tree Preservation Orders. No new development shall be sited within 20 metres of the trunk of a protected tree or within 10 metres of its canopy, whichever is the greater. Through its Urban Forestry Strategy, the Council will promote and support additional woodland planting, promote the enhancement of existing woodland and to ensure the sympathetic integration of new trees in woodlands, particularly in Areas of Great Landscape Value where there will be a presumption against large scale coniferous afforestation.

Policy E18 protects identified sites of local nature conservation interest. Development within or affecting Sites of Interest for Nature Conservation will not be permitted unless there are appropriate mitigation measures to enhance or safeguard the nature conservation interest of the site.

Policy E19 encourages sympathetic management of Sites of Interest for Nature Conservation (SINCs) and the creation of new habitats.

Policy E22 protects species or habitats listed under the Wildlife and Countryside Act 1981 or the Protection of Badgers Act 1992 from developments which have the potential to cause harm.

Policy E26 seeks to protect and improve existing rights of way and to create a network of linked walkways/cycle routes.

Policy E27 encourages and supports measures for the protection and enhancement of the recreational potential of the River Almond, Water of Leith and their tributaries, including the completion of continuous walkway/cycle routes along their banks, where appropriate, the protection of their exceptional landscape qualities and rural character, the improvement of degraded sites adjacent to the River Almond between the airport and Newbridge, and the sensitive management of their banks and defined valleys to consolidate and enhance their value as wildlife corridors.

Non-statutory guidelines on 'TREE PROTECTION' supplement local plan green environment policies, and support the retention of healthy trees of landscape or amenity significance, encourage new tree planting wherever appropriate within new development and promote a substantial renewal of the city's woodland resource.

Application Type

Application Address:

Proposal:

Reference No: 05/00196/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED**

Reasons

1. The proposal is not necessary for the purposes of countryside recreation and is contrary to Policy ENV 2(B) of the Edinburgh and the Lothians Structure Plan and Policy E5 of the Finalised Rural West Edinburgh Local Plan.
2. The proposal would have a detrimental impact on the landscape and nature conservation value of an area of woodland within the Water of Leith Valley that is afforded the protection of a Tree Preservation Order and is part of the Water of Leith Site of Importance for Nature Conservation, contrary to Policies E15 and E18 of the Finalised Rural West Edinburgh Local Plan.

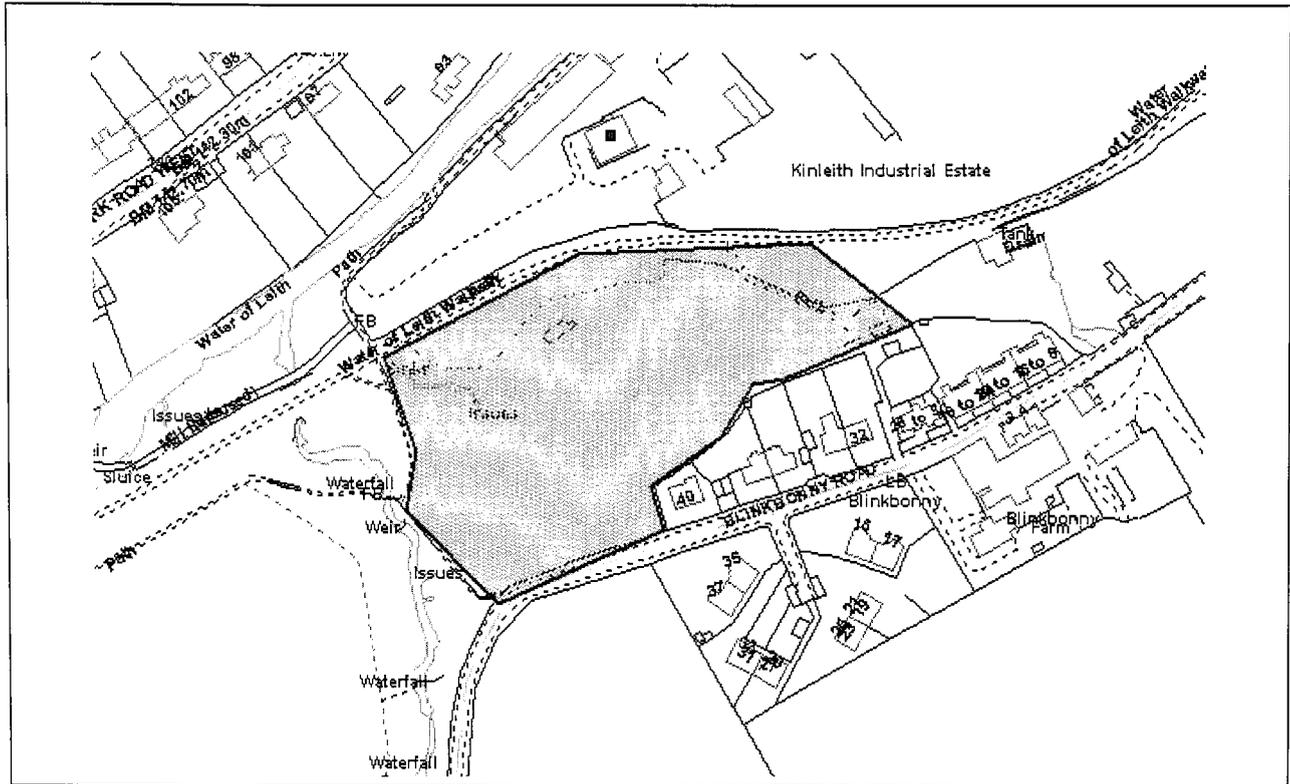
End

Application Type

Proposal:

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Location Plan



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